

1 Sanjay M. Nangia (CA State Bar No. 264986)
2 DAVIS WRIGHT TREMAINE LLP
3 505 Montgomery Street, Suite 800
4 San Francisco, California 94111
5 Telephone: (415) 276-6500
6 Facsimile: (415) 276-6599
7 Email: sanjaynangia@dwt.com

8 F. Ross Boundy (WA State Bar No. 00403)
9 DAVIS WRIGHT TREMAINE LLP
10 Suite 2200
11 1201 Third Avenue
12 Seattle, WA 98101-3045
13 Telephone: (206) 622-3150
14 Facsimile: (206) 757-7700
15 Email: rossboundy@dwt.com
(Appearance Pro Hac Vice)

16 Attorneys for Defendant GROCERY OUTLET, INC.

17 *[Additional counsel listed on signature page]*

18 IN THE UNITED STATES DISTRICT COURT

19 THE NORTHERN DISTRICT OF CALIFORNIA

20 SAN JOSE DIVISION

21 GARDEN MEADOW, INC., a Connecticut) Case No. 5:12-cv-04811-LHK (PSG)
22 Corporation,)
23 Plaintiff,) **STIPULATION OF DISMISSAL AND**
24 v.) **[PROPOSED] ORDER**
25 GROCERY OUTLET, INC., a California)
26 Corporation doing business as GROCERY)
27 OUTLET and as IDEAL DISTRIBUTING)
28 and) Complaint Filed: September 13, 2012
JOHN DOES Numbers 1 through 99,)
Defendants.)

29

30 Plaintiff Garden Meadow, Inc. (“Garden Meadow”) and Defendant Grocery Outlet, Inc., a
31 California Corporation doing business as Grocery Outlet and as Ideal Distributing (“Grocery
32 Outlet”), by and through their respective attorneys, hereby stipulate to a dismissal of this action

1 with prejudice as to Grocery Outlet and without prejudice as to John Does Numbers 1 through 99,
2 pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Each party shall bear its own
3 costs and attorneys' fees.

4 WHEREFORE, the parties respectfully request that this Court issue an Agreed Order of
5 Dismissal.

IT IS SO STIPULATED.

Dated: May 8, 2013

SEILLER WATERMAN LLC

By: /s/ Kyle Anne Citrynell

KYLE ANNE CITRYNELL
462 S. Fourth Street, 22nd Floor
Louisville, Kentucky 40202
Telephone: (502) 584-7400
Facsimile: (502) 583-2100
Email: citrynell@derbycitylaw.com

REGINA VERDUCCI
WATT, TIEDER, HOFFAR &
FITZGERALD, L.L.P.
333 Bush Street, Suite 1500
San Francisco, CA 94104
Telephone: 415-623-7000
Facsimile: 415-623-7001
Email: rverducci@wthf.com

Attorneys for Plaintiff
GARDEN MEADOW, INC.

Dated: May 8, 2013

DAVIS WRIGHT TREMAINE LLP

By: /s/ Sanjay M. Nangia
Sanjay M. Nangia

Attorneys for Defendant
GROCERY OUTLET, INC.

1 Pursuant to Local Rule 5-1 and General Order 45 X B, I am the ECF user whose
2 identification and password are being used to file this document. I attest that concurrence in the
3 filing of this document has been obtained from stipulating plaintiff. I have retained records to
4 support this concurrence for subsequent production for the Court, if so ordered, or for inspection
5 upon request by a party, until one year after the final resolution of the action (including appeal, if
6 any).

7 By: /s/ Sanjay M. Nangia
8 Sanjay M. Nangia
9 Attorneys for Defendant
10 GROCERY OUTLET, INC.

DAVIS WRIGHT TREMAINE LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AGREED ORDER OF DISMISSAL

The Court, having considered the stipulation of the parties, and good cause appearing therefore, orders as follows:

1. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the claims asserted by Plaintiff Garden Meadow, Inc. (“Garden Meadow”) are dismissed with prejudice as to Defendant Grocery Outlet, Inc., a California Corporation doing business as Grocery Outlet and as Ideal Distributing, and without prejudice as to Defendants John Does Numbers 1 through 99.

2. Each party shall bear its own costs and attorneys' fees.

IT IS SO ORDERED.

Dated: May 9, 2013

Lucy H. Koh

Hon. Lucy H. Koh

UNITED STATES DISTRICT JUDGE

DAVIS WRIGHT TREMAINE LLP